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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/808,962 | 03/16/2001 | Mikhail Levitin | | 4657 |

7590 05/23/2002

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| EXAMINER |
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NGUYEN, HOANG M

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| ART UNIT | PAPER NUMBER |
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3748

DATE MAILED: 05/23/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,962

Applicant(s)

LEVITIN ET AL.

Examiner

Hoang M Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

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Applicant's amendment dated April 05, 2002, has been fully considered.

Applicant has argued that Archer does not disclose the concept of supplying intermittent quantities of condensing matter. The Examiner disagrees. Please Archer discloses condensate matter inlet 4, outlet 6 in connection with pump 22, cooling medium inlet having pump 20, and outlet pump 28. Archer further discloses temperature and pressure sensors (30, 32) at each of the inlet and outlet of the condensate and cooling medium. The control unit in Archer controlling all three pumps 20, 22, 28. Because pump 22 is used to control the outlet of the condensate matter, the flow through the condenser can clearly be intermittently controlled. However, it's agreed that Archer does not disclose the control device at the inlet 4 of the condenser. Therefore, a new ground of rejection has been made based on newly discovered references from further search.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 1296412

(Levensen).

Levensen discloses a power plant condenser control system comprising a condenser comprising a control valve 3 acting as a pressure controlling device at the inlet of the condenser.

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Said valve 3 is pressure responsive, it is open when the pressure in the input line increases and closed when the pressure in the input line decreases.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S.4753077 (Rosenblatt) in view of U.S.5005351 (Archer). Rosenblatt discloses a power plant system comprising a condenser 61, a control valve 23 for inputting the vapor to the condenser, said control valve 23 is mounted at the inlet of the condenser, a controller 80 is used to adjust the opening of the control valve 23 in response to a pressure sensor and flowmeter 28, 29 of the cooling medium. Rosenblatt does not disclose that said control valve is responsive to pressures, temperatures of the inlet and outlet of the condensate matter intake and outlet. Archer discloses a power plant condenser control system comprising a condenser comprising temperature sensors and pressure sensors 30, 32, at many locations in the condenser including the inlet and the outlet of both condensate matter and cooling medium. A flow meter can be installed at the inlet of the condenser (column 3, lines 54-68) and being controlled in response to the temperature and pressure sensors. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide pressure and temperature sensors at the intake and the

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outlet of the condensate matter for the condenser of Rosenblatt as taught by Archer for the purpose of controlling the opening of the intake valve in response to the pressure and temperature sensors in order to more effectively control the input of the condensate matter.

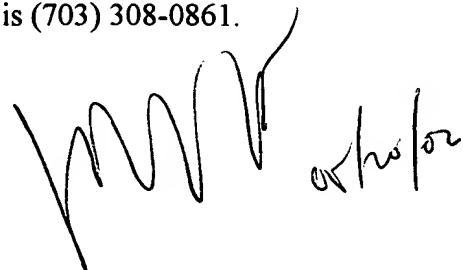
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vogel et al, and Alsenz disclose condensers having pressure/temperature sensors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Nguyen whose telephone number is (703) 308-3477. The examiner can normally be reached on Monday--Thursday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion, can be reached on (703)-308-2623. The fax phone number for the Examiner is (703) 746-4559.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.

A handwritten signature in black ink, appearing to read 'Hoang Nguyen' with a stylized flourish at the end.

HOANG NGUYEN
PRIMARY EXAMINER
ART UNIT 3748

Hoang Minh Nguyen
May 20, 2002